

*Town of North Andover*  
**ZONING BOARD OF APPEALS**

*Albert P. Manzi III, Esq. Chairman*  
*Ellen P. McIntyre, Vice-Chairman*  
*Richard J. Byers, Esq. Clerk*  
*D. Paul Koch Jr. Esq.*  
*Allan Cuscia*



Associate Member  
*Michael P. Liporto*  
*Deney Morganthal*  
*Doug Ludgin*  
Zoning Enforcement Officer  
*Gerald A. Brown*

*Approved*  
*May*  
*16, 13*

**DRAFT MINUTES**

**Tuesday, February 26, 2013 at 7:30 PM**

**Town Hall 120 Main Street, North Andover, Massachusetts**

**Members present:** Ellen McIntyre, Richard Byers, D. Paul Koch Jr., Esq., and Allan Cuscia  
**Associate Member:** Michael Liporto, Doug Ludgin  
**Excused absence** Deney Morganthal

McIntyre called this special meeting to order at 7:30

Pledge of Allegiance

**Acceptance of Minutes for January 24, 2013**

Byers made the motion to approve the Minutes

Cuscia Second the motion.

Those voting in favor to approve the minutes were McIntyre, Byers, Koch, Cuscia and Liporto.  
5-0.

McIntyre stated that Doug Ludgin did not attend the January 24<sup>th</sup> meeting, and because of this he read the minutes of the missed meeting, and then signed a form to confirm that he read the minutes to the meeting he missed.

**Continued Public Hearings**

**North Andover Holdings, LLC 16 Berry Street/Riding Academy Preserve, North Andover, MA (Map 106.D, Parcel 0032).**

**M.G.L. Chapter 40B, Section 21 for a Comprehensive Permit**

McIntyre stated that this is the only hearing that we will be heard tonight, 16 Berry Street.

McIntyre wanted to get everyone up to speed on what was going on with this project. McIntyre stated that on Tuesday, February 19<sup>th</sup>, The Commonwealth of Massachusetts had granted the town \$10,000.00 for an advisor for this 40B project. The Commonwealth allowed us to pick from a list of advisors, Edith Netter was the one chosen, because of her past experiences that were similar to our needs, as well as the Demographics of other towns she had worked with were also similar to North Andover.

McIntyre talked of a conference call that she and Curt Bellavance, the Director of Community Development had with Edith Netter. Netter told them of the Comprehensive Permit Rules and

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Regulations (Chapter 40B) Bylaws under requirements of MGL Chapter 30B, and how they are required to have 3 other bids (quotations) for peer reviewers.

McIntyre talked of Netter, and that Netter told them they need to have a RFP (Request for Proposal) according to the 40B Rules and Regulations.

McIntyre went on to say their will be 4 aspects that will be discussed at future meetings.

1. Conservation (stormwater)
2. Sewerage and water
3. Civil Engineer (traffic)
4. Design

Three proposals have to be advertised and will be going out to bid tomorrow.

McIntyre stated that the board needs to have their peer reviewers/consultants hired before going any further with this project

Byers asked about Edith Netter's background and the process of selecting Netter. McIntyre responded that she is a lawyer and will be strictly acting as an advisor and not in a legal position. Netter will also be attending our next meeting regarding this 40B. McIntyre also stated that herself as well as Bellavance and Town Counsel went through various resumes before choosing Netter.

Cuscia, asked what towns Netter had represented, McIntyre responded back that she does have her resume and that the Zoning Assistant can send the Board a copy. Again McIntyre responded that Netter's background and experience met our needs for North Andover. McIntyre stated that she also has a very extensive resume and background and she has also worked with us in the past.

McIntyre stated that she wanted the Board to give her the authority to be the one to sign for the peer reviewers/consultants, once they were chosen. But McIntyre wanted the Board to be aware that this will be a mutual decision of the Board and that they will be included in the decision process of the peer reviewers/consultant (once all bids come in).

Liporto stated that it will help expedite the process and McIntyre agreed.

Byers made a motion for McIntyre to be authorized to sign for the peer reviewer (to expedite the process)

Cuscia second the motion

All in favor for McIntyre to sign for a peer reviewer were; Byers, Koch, Cuscia, Liporto and Ludgin.

5-0.

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Atty. Paul Haverty, representing the applicant walked up to the podium and had concerns with the peer reviewer for Stormwater and asked if they could work with Conservation and acquire the same peer reviewer as the Zoning Board. McIntyre understood his concerns but stated she will try and do the best she could, without making any promises.

McIntyre mentioned to the board as well as the applicant that if any of the peer reviewers/consultants talk to one another, the Board wants to be involved and aware of any of these conversations (even if they are cc'd on an e-mail).

McIntyre also stated if anyone wants a copy of the 40B Rules and Regulations they are public Record and are available at the office of the Board of Appeals.

McIntyre also stated that the next meeting for 16 Berry Street (40B) will be Thursday, April 4<sup>th</sup> at the Senior Center. McIntyre stated that the discussion for that meeting will be Site Design and Traffic. She also stated that since the meeting will be held at the Senior Center we will be on a delayed recording and will not be live.

McIntyre also wanted everyone to know that because of the Union Laws they cannot hold any of the meetings past 11:00pm.

McIntyre stated that she along with others put in many long hours into this project, and that others may not be aware of all the background work involved that goes into a project such as this.

**Adjournment: 7:50**

Byers made a motion to adjourn the meeting

Cuscia second the motion to Adjourn

All were in favor to adjourn the meeting McIntyre, Byers, Koch, Cuscia and Liporto.

5-0